

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

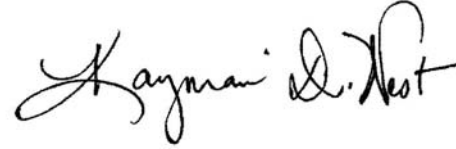
James Albert Pauling,)	C/A No. 4:11-2868-RBH-KDW
)	
)	
Plaintiff,)	
)	
v.)	Report and Recommendation
)	
)	
Marlboro County Sheriffs Office; Chief)	
Deputy Lemon; Training Officer Deputy)	
Ackers,)	
)	
Defendants.)	
)	

Plaintiff, proceeding pro se and *in forma pauperis*, brought this action alleging violations of the Americans with Disabilities Act (“ADA”). Defendants filed a Motion for Summary Judgment on October 30, 2012. ECF No. 47. As Plaintiff is proceeding pro se, the court entered an order on October 30, 2012, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the importance of a motion for summary judgment and of the need for him to file an adequate response. ECF No. 48. Plaintiff was informed that his response was due by December 3, 2012, and was specifically advised that if he failed to respond adequately, Defendants’ motion may be granted, thereby ending his case. Notwithstanding the specific warning and instructions set forth in the court’s *Roseboro* order, Plaintiff has failed to respond to the motion.

On March 6, 2013, the court ordered Plaintiff to advise the court by March 25, 2012 whether he wished to continue with the case. ECF No. 56. Plaintiff has filed no response. As such, it appears to the court that Plaintiff does not oppose Defendants’ motion and wishes to abandon his action. Based on the foregoing, the undersigned recommends that this action

against Defendants be dismissed with prejudice for failure to prosecute, thereby ending this matter. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent and the last name "West" following it.

March 28, 2013
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**